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8 SAMUEL RUSS OXLEY,  
9 Plaintiff,

10 v.  
11 CONTRA COSTA COUNTY SHERIFF  
12 DEPT., et al.,  
13 Defendants.  
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16 Case No. 23-cv-00510 BLF (PR)  
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**ORDER REQUESTING  
CLARIFICATION FROM THE  
SHERIFF OF CONTRA COSTA  
COUNTY REGARDING INMATE  
MAIL POLICIES FOR DELIVERY  
OF OFFICIAL COURT  
DOCUMENTS**

19 Plaintiff, an inmate at the West County Detention Facility (“WCDF”) for Contra  
20 Costa County (“County”), filed the instant *pro se* civil rights action pursuant to 42 U.S.C.  
21 § 1983 on February 3, 2023. Dkt. No. 1. On the same day, the Clerk sent Plaintiff a  
22 Notice of Assignment of Prisoner Case to Magistrate Judge. Dkt. No. 5. On February 23,  
23 2023, the mail was returned as undeliverable and stamped, “Mail must come from  
24 Pigeonly.” Dkt. No. 6.

25 On March 3, 2023, Plaintiff filed a letter stating that WCDF implemented a new  
26 mail delivery process whereby incoming mail (not legal mail) was required to be sent out  
27 of state for processing, while “legal mail suppose to still be sent directly to the Facility  
28 address on the envelope under protection of confidential mail.” Dkt. No. 7 at 1. He

1 requested a habeas petition packet. *Id.* In response on March 6, 2023, the Clerk resent the  
2 notice and the requested packet to Plaintiff at WCDF with “Official Court Documents  
3 Enclosed” written on the envelope. Dkt. No. 9. However, this mail was again returned as  
4 undeliverable on March 27, 2023, with the following Notice on the envelope: “Legal mail  
5 must go through Pigeonly verification process or be delivered at facility with valid bar  
6 code. Cannot be courier delivered without Pigeonly QR code.” Dkt. No. 10.

7 This matter was reassigned to the Undersigned on April 7, 2023. Dkt. No. 12. A  
8 copy of the Notice of Reassignment was sent to Plaintiff with the envelope clearly  
9 indicating, “Official Court Documents Enclosed.” That court mail was also returned as  
10 undeliverable on April 10, 2023, stamped, “Mail must come from Pigeonly.” Dkt. No. 13.

11 The Court takes judicial notice of the following information obtained from the  
12 website of the Contra Costa County Office of the Sheriff.<sup>1</sup> According to the information  
13 for “Sending Mail to an Inmate,” the County implemented a new inmate mail delivery  
14 process “[t]o curb the introduction of mail contraband” at its facilities effective November  
15 1, 2022, requiring that “incoming non-privileged inmate mail must be sent to Pigeonly  
16 Corrections’ mail processing center” in Las Vegas, Nevada. The following “privileged  
17 correspondence” was still to be sent directly to the inmate at the respective facility: legal  
18 mail, official documents (money orders and government checks), and printed material sent  
19 directly from publisher or commercial dealer, including magazines, newspapers,  
20 periodicals, soft-covered books, and photo books. With respect to “legal mail,” the  
21 website describes a verification process through Pigeonly Corrections by which attorneys  
22 would have their identifies authenticated “to ensure all legal mail is delivered safely and  
23 without compromising attorney-client privilege.” Attorneys would then receive a unique  
24 security barcode which they were to affix on all their legal mail which could then be sent  
25 directly to their clients at County facilities.

26  
27 <sup>1</sup> <https://www.cocosheriff.org/how-do-i/inmate-information/sending-mail-to-an-inmate>.  
See Fed. R. Civ. Evid. 201(b).

1        It is apparent that all the court mail sent to Plaintiff has repeatedly been returned as  
2 undeliverable from WCDF due to this new delivery process. The Court notes that nowhere  
3 do the County's instructions account for the processing of official court mail sent to  
4 Plaintiff in this action: the "privileged correspondence" list does not specifically include  
5 official court documents nor do the instructions regarding "legal mail." This repeated  
6 return of official court documents is causing undue delay in this matter, and likely in other  
7 lawsuits filed by County inmates in this district court.

8        In the interest of justice, the Court requests Sheriff David O. Livingston of Contra  
9 Costa County, to clarify his position regarding the processing of official court documents  
10 sent to inmates at the County facilities, or at least specifically at WCDF. The County  
11 implemented the new inmate mail delivery process "[t]o curb the introduction of mail  
12 contraband" at its facilities. *See supra* at 2. It is not readily apparent how official court  
13 documents mailed directly from the Court's Clerk's Office would contain any such  
14 contraband to raise the same concerns as other non-privileged mail. Furthermore,  
15 requiring official court documents be sent to a third party for processing will likely hinder  
16 and cause undue delay in the adjudication of matters before the Court. Accordingly, it  
17 would serve the interests of justice for official court documents to be accepted at the  
18 County facilities. The Court requests the Sheriff to file a response **within fourteen (14)**  
19 **days** from the date this order is filed.

20        A copy of this order shall be sent to Sheriff David O. Livingston at the Contra Costa  
21 County Office of the Sheriff (1850 Muir Road, Martinez, CA 94553), and the West County  
22 Detention Facility (555 Giant Highway, Richmond, CA 94806).

23        **IT IS SO ORDERED.**

24        Dated: April 14, 2023



BETH LABSON FREEMAN  
United States District Judge

26        Order Requesting Clarification  
27        PRO-SE\BLF\CR.23\00510Oxley\_req.clarification  
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